

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

Chambers of  
**Ellen Lipton Hollander**  
District Court Judge

101 West Lombard Street  
Baltimore, Maryland 21201  
410-962-0742

May 31, 2024

Jefferson Gray, Esquire  
Assistant United States Attorney

Re: *United States of America v. Jacky McComber*  
Criminal No.: ELH-21-0036

Dear Mr. Gray:

I write in response to your letter of Thursday, May 23, 2024 (ECF 464), advising of your inability to file your sentencing submission by the due date of May 23, 2024, as discussed in our telephone conference of April 30, 2024 (ECF 452, Transcript) and as contemplated in my Order of May 1, 2024. *See* ECF 450. In ECF 450, I instructed that, if you could not meet the deadline, you were to contact Chambers to schedule another telephone conference. For unknown reasons, that did not happen.<sup>1</sup>

In your letter, you note that you were able to timely file a submission with Judge Bennett that was also due on May 23, 2024. I believe this was in the case of *United States v. Gaver*, RDB-17-640. *Gaver* concerns the defendant's motion for sentence reduction under 18 U.S.C. §§ 3582(c)(1) and (c)(2) and Amendment 821 to the Guidelines. *See id.*, ECF 209. It appears that the defendant's motion has only been pending since April 5, 2024. *See id.* In contrast, we have been striving to bring this case to closure for more than a year.

As I indicated on April 30, 2024, the due date of May 23 appeared reasonable to me. ECF 452 at 46. Moreover, I explained that "I need to have a full set of materials" to prepare for the sentencing, and I am "stymied" in my preparation without the government's reply to the defendant's various disputes and objections. *Id.*

Without minimizing the importance of the *Gaver* case, but in contrast to this case, there is no scheduled proceeding in *Gaver* that would have been impacted by a delay of a submission. Therefore, I am at a loss to understand why the government prioritized the filing for Judge Bennett,

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<sup>1</sup> During the telephone conference of April 30, 2024, in discussing the submission of sentencing memoranda, the government said, ECF 452 at 44: "Your Honor, what I could suggest is this[. W]e can put the deadline in on the 23rd [of May], the day before I go away on vacation. If it's a problem, I'll notify you a few days in advance [if] it's looking like it's going to be a problem and it may need to be June 5th or something like that."

rather than the filing that was anticipated in this case, and that I need in order to be ready for the upcoming sentencing.

The government's proposed sentencing submission deadline of Saturday, June 8, 2024, is too late. By the close of business on Thursday, June 6, 2024, I ask the government to file its reply concerning the loss and loss calculation and the government's proposed enhancements concerning obstruction. I am, however, amenable to the government's request to file, by the close of business on June 12, 2024, a reply as to the remaining sentencing issues.

Despite the informal nature of this letter, it is an Order of the Court and shall be docketed as such.

Sincerely,

/s/

Ellen Lipton Hollander  
United States District Judge